v. *Manlove*, 14 Cal. 85; *Myer* v. *Butt*, 44 Ga. 468; *Richardson* v. *Loree*, 36 C. C. A. 301, 94 Fed. 375. It is difficult to reconcile the finding of the trial court, that there was no collusion, with the decree of that court granting the injunction. The supreme court explains it by saying, that the circuit court must have intended that there was no "actual concert of action having a specific wrongful purpose in view," but nevertheless there was fraud in law. That the mere neglect of an officer to defend a suit which he should have defended is sufficient to establish fraud in law and justify an injunction restraining the execution of a judgment is a doctrine on which there is some question. It leads to the remarkable conclusion that the officer and agent of a municipal corporation by neglect of a duty which he owes to his principal can fasten fraud upon a third party. None of the cases cited goes to this length though some of them approach it pretty closely. See also *Chambers* v. *King Wrought Iron Bridge Mfty.*, 16 Kan. 270; *Champton* v. *Zambriski*, 101 U. S. 601: Contra—*Cicero Township* v. *Picken*, 122 Ind. 260, 23 N. E. 763.

EVIDENCE—PHYSICAL EXAMINATION—ACTION FOR PERSONAL INJURIES. —The plaintiff in the court below recovered a judgment against the defendant for injuries sustained by himself and minor son, arising from a defective bridge. The defendant appealed on the ground, *inter alia*, that the court erred in refusing an order requiring the plaintiff to submit to an examination of his person by a physician. *Held*, that the trial court did not err in refusing the order. *City of Kingfisher* v. *Altizer* (1903), — Okla., —, 74 Pac. Rep. 107.

The court, admitting that the weight of authority upholds the doctrine that trial courts have power to require the plaintiff in personal injury cases to submit to a physical examination, cited *United Pacific Ry. Co.* v. *Botsford*, 141 U. S. 250, denying this power, and, without discussing the question upon principle stated that, as the decisions of the Supreme Court of the United States were binding on the territorial court, this case was decisive of the question. The weight of authority seems, as the court admitted, to favor the exercise of the power requiring physical examinations. *City of Ottawa* v. *Gilliland* (1901), 63 Kan. 165; *South Bend* v. *Turner*, 156 Ind. 418; *Wanek* v. *Winona*, 78 Minn. 98; MICHIGAN LAW REVIEW, Vol. I., pp. 193, 277, 669.

INJUNCTION—RIGHT OF LABOR UNION TO PREVENT INTERFERENCE WITH PERSONS WHOM IT EMPLOYS TO DO PICKET DUTY.—The bill alleged that the complainants, forty-six in number, were machinists recently employed by the defendant company, but now on a strike; that the complainants, with other machinists, had formed a voluntary association to better the condition of machinists in general; that defendants and others had formed a voluntary association to deal with labor troubles; that complainants had endeavored to induce other machinists to join them, and had maintained a system of quiet picketing in the streets near defendant's shops; and averred that defendants, in combination with others, were interfering by intimidation, threats, violence, etc., with the pickets of complainants. *Held*, the bill did not state facts which would entitle the complainants to an injunction. *Atkins, et. al.* v. *W. & A. Fletcher Co.* (1903), — N. J. Eq. —, 55 Atl. Rep. 1074.

This case presents the novel situation of a labor union asking a court of equity to enjoin an association of manufacturers from interfering by violence, threats, or intimidation, with the pickets which the union had placed near the premises of the defendants. The complainants stand before the court in